THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO: 1867 of 2006

Dated: 17-03-2006

Between:

Rekala Lingaiah and three others

..... PETITIONERS

AND

The Government of Andhra Pradesh,

Rep., by its Principal Secretary for Home,

Secretariat Buildings, Hyderabad and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO : 1867 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the third

respondent-Station House Officer, Mothukur Police Station in not registering a crime on the basis of the complaint made by the petitioner dated 13-12-2005 is illegal and arbitrary.

The petitioners, who are four in number, state that they belong to Scheduled Caste. It is alleged that the fourth respondent having made several attempts to encroach into the land belonging to the petitioners with the help of antisocial elements, threatened to kill them and also abused them in filthy language in the name of their caste. Hence, they lodged a complaint with the third respondent, but he failed to take any action. Hence, this writ petition.

A copy of the complaint dated 13-12-2005 filed along with the writ petition shows that several allegations have been made against the fourth respondent, which if established would constitute an offence punishable under Section 3 of the Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

The third respondent-Sub-Inspector of Police, Mothukur Police Station, filed a counter affidavit stating that a complaint dated 13-12-2005 was received from the first petitioner and on the basis of the same an entry was made in the general diary and a petty case was booked and requisition was sent to the Judicial First Class Magistrate at Ramannapet for permission to register a case under Sections 290, 506 I.P.C. and as soon as permission is received, further steps will be taken in accordance with law. Along with the counter affidavit, complaint dated 13-12-2005 said to have been received from the first petitioner has also been enclosed, which shows that certain allegations have been made against the fourth respondent stating that he threatened to kill the first petitioner and his family members. However, the said complaint does not contain any allegation that the petitioners were abused in the name of the caste.

Learned counsel for the petitioners across the bar submits that the complaint dated 13-12-2005 enclosed along with the counter affidavit is not the complaint made by the petitioners and that the third respondent has deliberately replaced the complaint made by them to suppress the real facts and to make out a case that they have already taken appropriate action on the complaint of the petitioners.

The said allegation being very serious in nature requires enquiry and in case

the allegations are found to be true, it is necessary to take appropriate action against all the concerned.

In the circumstances, the writ petition is disposed of with a direction to the second respondent-Superintendent of Police, Nalgonda to make a thorough enquiry into the above allegation and to take appropriate action in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

That apart, the petitioners are granted liberty to send a copy of the complaint dated 13-12-2005 to the second respondent by register post with acknowledgment due, in which event, the same shall be received and appropriate steps shall be taken in accordance with law under the provisions of the Act and the rules made thereunder.

Accordingly, the writ petition is disposed of. No costs.

_____

G.ROHINI,J

Dated: 17-03-2006

Note: Issue CC by Monday.

B/o

Klp/ghn